

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land Acquisition-Decretal Charges-Ananthapur District-Yadiki Mandal-Chandana Village-S.No. 703-A2D, Ext.0.10 acres acquired for excavation of Yadiki Branch Canal-Award No. 16/92 dt: 23.3.92 orders passed by the Lower Court in O.P.No.01/2007, dt: 21.4.2008-payment of enhanced compensation- -Decretal charges amount of Rs.51,062/- Sanction Orders-Issued.

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 287

Dated: 19 .05.2010

Read the following

- 1) From the Special Chief Secretary to Government & CCLA, A.P. Hyd Lr.No. G4/1467/2009, Dated: 20.10.2009.
- 2) From the District Collector, Ananthapur Rc.No. G2/4547/2009, Dated:10.9.2009.

O R D E R:

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad and District Collector, Ananthapur in the reference Ist and 2nd read above has submitted decretal proposals in O.P. 01/2007, for an amount of Rs.51,062/- (Rupees Fifty one thousand Sixty two only) for an extent of Ac.0.10 dry land in Sy.No. 703-A2D etc acquired through Award No. 16/92, dated: 23.03.1992 for excavation of Yadiki Branch Canal. The District Collector, Ananthpur has submitted that land in S.No.703-A2D Extent 0.10 acres of Chandana village of Yadiki Mandal of Ananthpur District was acquired for excavation of Yadiki Branch Canal in Award No. 16/92 dt. 23.3.1992. The Compensation amount of Rs. 8,100/- was paid to the awardees. Aggrieved with the market value fixed by the Land Acquisition Officer, the claimants received the compensation under protest to refer the matter to Civil Court U/s. 18 of the L.A. Act. Accordingly the matter was referred to civil court, Ananthpur and it was numbered as **OP.No.01/2007**. The Civil Court in its orders dated: 21.04.2008 in O.P.No.01/2007 while enhancing the tree value from **Rs.30/- to Rs.100/-** per tree and also directed to pay 30% solatium and 12% Addl. Market Value on the enhanced market value from 8/90 to 3/92 (20 months) and interest at 9% for a period of one year from the date of award and at 15% p.a. for the remaining period till the date of deposit. The Special Deputy Collector, L.A. PABR Stage-II, Ananthpur has prepared final calculation sheet according to the court orders and submitted proposals for approval in the District Level Monitoring Committee. Further, the Government Pleader for Appeals, AP High Court, Hyderabad has also opined that there is no necessary to file an appeal against the orders of the Senior Civil Judge, Gooty in the above O.P. in view of the judgment of Hon'ble High Court in **A.S.No.1046/2000**. Accordingly, the Government have issued instructions in G.O.Ms.No.79, I&CAD (PW- Land Acquisition – IV-R&R-1) Dept. Dated: 19-04-2006, the District Collectors/ Special Collectors are authorized to take a decision whether to prefer an appeal or to deposit the decretal charges amount where the enhancement is above 100% but below 150% and the total additional financial involvement is less than Rs. 10.00 Lakhs. In this case, the enhancement is 233%, which is beyond the preview of DLLMC. Accordingly in the DLLMC meeting held on 22-08-2009, it was decided to refer the matter to Govt. for their consideration and sanction of Decretal Charges, and he is requested to sanction an amount of Rs. 51,062/- (Rupees Fifty One thousands and Sixty two only) in A.S.No.1046/2000 in O.P.No.**01/2007** dated 21-04-2008 to avoid further legal complications.The same amount was recommended by the C.C.L.A. A.P. Hyderabad.

2. After careful examination of the matter, Government hereby accord sanction of an amount of Rs. 51,062 (Rupees Fifty one thousands and Sixty two only) to deposit decretal charges in Civil Court in O.P.No. 01/2007 in respect of lands in S.No.703/A2D ext.0.10 acres pertaining to Chandana Village, Yadiki Mandal,

(P.T.O)

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Ananthpur District acquired for excavation of Yadiki Branch Canal in Award No. 16/92, dt. 23.3.1992, subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad, immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the District Collector, Ananthapur should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, duly deducting the income tax, as per rules, before depositing the amount in the Lower Court.

3. The District Collector, Ananthapur is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid. He is also directed to follow the directions of Hon'ble High Court order dt: 30.4.2007 in W.P. No. 2181/2005 in depositing the above sanctioned amount in the respective court.

4. The amount sanctioned in Para (2) above shall be debited to the Head of Account under : "4701-Colon M&M-Irrigation-(01)- Major Irrigation-Commercial-MH-104 TBP HLC Stage -II-GH-(11)-Normal State plan -SH (27) C&D- 530-532 Lands (charged), In Case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially from contingency fund subject recoup with equal amount from the voted grant.

5. This order issues with the concurrence of Finance (Exp.P.W.1) Department vide their U.O.No. 2054/F.5.A1/2010-1, Dated: 4.5.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT.

To

The Chief Commissioner of Land Administration& Special Chief Secretary to Government, A.P. Hyderabad
The Collector & District Magistrate, Ananthapur
The Special Deputy Collector, L.A. PABR, Stage-II, Ananthapur
The Chief Engineer, Irrigation, Hyderabad
The Revenue Divisional Officer, Ananthapur
The Superintending Engineer, I & CAD, Ananthapur
The Director of Works and Accounts, Hyderabad

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P.S. to Minister (M & MI)
Law Department/Finance (W&P) Department
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SECTION OFFICER